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OFFICE OF PETITIONS

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In re Application of :
Alphonse Du Perron : DECISION ON RENEWED PETITION
Application No. 10/718,296 : UNDER 37 C.F.R. §1.181(A)
Filed: November 21, 2003 :
Title: INSTANTANEOUS EVACUATION :
TUBE :

This is a decision on the renewed petition under 37 C.F.R.
§ 1.181(a) to withdraw the holding of abandonment, filed on July
31, 2006.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 9, 2005, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 10, 2005. A notice of abandonment was mailed on September 23, 2005.

The original petition was filed on October 25, 2005, and was dismissed via the mailing of a decision on June 5, 2006.

The decision on the original petition set forth "The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.181 and/or §§1.137(a) and/or (b)." This renewed petition failed to contain this identifier. Consequently, it was not recognized by the Office as a petition, and was not routed to the Office of Petitions for consideration.

ANALYSIS

37 C.F.R. §10.18(a) sets forth:

For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature, personally signed by such practitioner, in compliance with § 1.4(d)(1) of this chapter.

The present petition has not been executed, and as such, it cannot be processed. For this reason, the petition under 37 C.F.R. § 1.181(a) is **DISMISSED**.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. **The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. §1.181 and/or §§1.137(a) and/or (b)." Failure to properly label the response might result in further processing delays.** This is not a final agency action within the meaning of 5 U.S.C 704.

Any subsequent petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail¹, hand-delivery², or facsimile³.

ALTERNATE VENUE

Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (b). For a small entity, petitions under 37 C.F.R. §§1.137(a) and (b) carry the fees of \$250 and \$750, respectively.

The change of correspondence address has been entered and made of record.

Petitioner has further submitted \$250 for an extension of time. An extension of time under 37 C.F.R. § 1.136 must be filed prior to the expiration of the maximum extendable period for reply⁴.

¹ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

² Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

³ (571) 273-8300- please note this is a central facsimile number.

⁴ See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Accordingly, since the \$250 extension of time submitted with the petition on July 31, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary. A Treasury Check will be issued in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Paul Shanowski", with a stylized, cursive script.

Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office